

STEVEN WAYNE BONILLA J-48500

Name and Prisoner/Booking Number

CALIFORNIA MEDICAL FACILITY-T-203

Place of Confinement

P.O. Box 2000, 1600 CALIFORNIA DRIVE

Mailing Address

VACAVILLE, CA 95696

City, State, Zip Code

**FILED**

NOV 09 2022

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]  
DEPUTY CLERK

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

STEVEN WAYNE BONILLA

(Full Name of Plaintiff)

Plaintiff,

v.

CASE NO. 2:22cv 02023 KJN

(To be supplied by the Clerk)

(1) John Whitson

(Full Name of Defendant)

(2) Jonathan Goodfellow

(3) Warden J. Benavidez

(4) Alameda County

Defendant(s).

**CIVIL RIGHTS COMPLAINT  
BY A PRISONER**

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

☐ Check if there are additional Defendants and attach page 1-A listing them.

**A. JURISDICTION**

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☒ Other: [28 F. Supp. 462] a void judgment may be collaterally attacked ANYWHERE

2. Institution/city where violation occurred: Oakland, California

**B. DEFENDANTS**

1. Name of first Defendant: JOHN WHITSON <sup>WAS</sup> The first Defendant is employed as:  
INVESTIGATOR AT ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE  
(Position and Title) (Institution)
2. Name of second Defendant: JONATHAN GOODFELLOW <sup>WAS</sup> The second Defendant is employed as:  
PROSECUTOR-DEPT DISTRICT ATTORNEY AT ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE  
(Position and Title) (Institution)
3. Name of third Defendant: J. BENAVIDEZ The third Defendant is employed as:  
WARDEN AT CALIFORNIA MEDICAL FACILITY, VACAVILLE, CALIFORNIA  
(Position and Title) (Institution)
4. Name of fourth Defendant: ALAMEDA COUNTY The fourth Defendant is employed as:  
EMPLOYER at SUPERIOR COURT  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

**C. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while you were a prisoner? N/A ☐ Yes ☐ No
2. If yes, how many lawsuits have you filed? \_\_\_\_\_. Describe the previous lawsuits:

a. First prior lawsuit:

1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
2. Court and case number: \_\_\_\_\_
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

b. Second prior lawsuit:

1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
2. Court and case number: \_\_\_\_\_
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

c. Third prior lawsuit:

1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
2. Court and case number: \_\_\_\_\_
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

## D. CAUSE OF ACTION

## CLAIM I

1. State the constitutional or other federal civil right that was violated: Fourth Amendment Rights to privacy, right to due process and equal protection of the law

2. Claim I. Identify the issue involved. Check only one. State additional issues in separate claims.

- |  |   |  |                                       |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court           | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion          | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: <u>FALSE AFFIDAVIT</u> |                                       |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

On September 20, 1988, Inspector John Whitson of the Alameda County District Attorney's Office knowingly submitted a fraudulently, false arrest warrant affidavit claiming that my records had been obtained by the FBI pursuant to a federal grand jury subpoena, which the fruit of the subpoena he claimed produce probable cause and other evidence (See Exhibit A). However, the FBI, "ADMITTED" under oath, to a federal court order in Case no. C-02-0636 MHP, that the federal grand jury subpoena NEVER EXISTED, NOR WAS IT EVER SERVED. (See Exhibit A). Thus, establishing that my civil rights were violated by the presentation of Inspector John Whitson false affidavit, which makes the arrest warrant invalid in a malicious prosecution in malice without probable cause.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

I have been falsely imprisoned without legal process, when there is no federal grand jury subpoena to have produced there being any probable cause

5. Administrative Remedies: N/A

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- Did you submit a request for administrative relief on Claim I? ☐ Yes ☐ No
- Did you appeal your request for relief on Claim I to the highest level? ☐ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_



## CLAIM II

1. State the constitutional or other federal civil right that was violated: due to an illegal search and seizure, 4th Amendment, Due Process, and equal protection of the law, 14th Amendment

2. Claim II. Identify the issue involved. Check only one. State additional issues in separate claims.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court                | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion               | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: <u>FRAUD UPON THE COURT</u> |                                       |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Prosecutor Jonathan Goodfellow of the Alameda County District Attorney's Office in Superior Court, Case No. H-12210-A, knowingly used and presented evidence at my trial that he knew was the fruit of an illegal search and seizure of my records. He committed fraud upon the court by fraudulently and falsely claiming that my records had been obtained by the FBI pursuant to a federal grand jury subpoena. Which the FBI "ADMITTED", under oath, to a federal court order in Case No. C-02-0636 MHP, that the federal grand jury subpoena, NEVER EXISTED, NOR WAS IT EVER SERVED. All of the evidence in my case, that was presented at trial was the fruit of the illegal search and seizure of my records in violation of the 4th Amendment. The suppression of the illegal search and seizure of my records, by the prosecutor, violated my due process rights. Goodfellow obtained my conviction through the knowing use of the fruit of an illegal search and seizure in violation of my due process rights in a malicious prosecution in malice without probable cause and any lawfully admissible evidence. Goodfellow fabricated evidence, by claiming it was obtained pursuant to a federal grand jury subpoena that he knew NEVER EXISTED, which makes the judgment void for lack of subject matter jurisdiction and for fraud committed upon the court.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

I have been falsely imprisoned without legal process when there is no federal grand jury subpoena to have produced any lawfully admissible evidence, including any probable cause for my arrest.

5. Administrative Remedies. N/A

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- Did you submit a request for administrative relief on Claim II? ☐ Yes ☐ No
- Did you appeal your request for relief on Claim II to the highest level? ☐ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

## CLAIM III

1. State the constitutional or other federal civil right that was violated: the right to liberty, due process and equal protection of the law.

2. Claim III. Identify the issue involved. Check only one. State additional issues in separate claims.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court              | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion             | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: <u>FALSE IMPRISONMENT</u> |                                       |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Warden J. Benavidez of the California Medical Facility - Vacaville, California has the Plaintiff, Steven Wayne Bonilla falsely imprisoned without legal process nor probable cause.

Plameda County, [818 F.3d 233] Court held, that where official's execution of his or her job function causes injury to the plaintiff, the official may be liable under §1983 under supervisory-liability theory. [790 F.3d 608], Court held, that a county can be responsible under 42 USC § 1983 for actions of its district attorney. The district attorney's office, as stated above, has misused the legal process in a malicious prosecution in malice without probable cause against the Plaintiff for an ulterior purpose.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

I have been falsely imprisoned without legal process, when there is no federal grand jury subpoena to have produced any lawfully admissible evidence and probable cause.

5. Administrative Remedies. N/A

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- Did you submit a request for administrative relief on Claim III? ☐ Yes ☐ No
- Did you appeal your request for relief on Claim III to the highest level? ☐ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:

- 1) For the court to issue an order to show cause why the Alameda County Superior Court judgment in Case No. 14-12210-A, void for lack of jurisdiction, due to there being no federal grand jury subpoenas for my records and fraud upon the court.
- 2) For damages and punitive damages as having been acquiesced to.
- 3) For such and further relief as the nature of this cause may require.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 24, 2022  
DATE

Steven Wayne Bonilla  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

\_\_\_\_\_  
(Signature of attorney, if any)

\_\_\_\_\_  
(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

NO SUBPOENA

NO ADMISSIBLE EVIDENCE

ARREST WARRANT INVALID

NO PROBABLE CAUSE

MALICIOUS PROSECUTION

**EXHIBIT A**

BONILLA

Alameda County Case No. H-12210-A



1 SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney  
2 JOANN M. SWANSON (SBN 88143)  
Chief, Civil Division  
3 ABRAHAM A. SIMMONS (SBN 146400)  
Assistant United States Attorney

4 450 Golden Gate Avenue, 9th Floor  
5 San Francisco, California 94102-3495  
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Email: abraham.simmons@usdoj.gov

7 Attorneys for Federal Defendants

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 STEVEN W. BONILLA,

12 Plaintiff,

13 v.

14 UNITED STATES DEPARTMENT OF  
15 JUSTICE; UNITED STATES DISTRICT  
16 ATTORNEY FOR SAN FRANCISCO,

17 Defendants.

No. C 02-0636 MHP (PR)

DECLARATION OF DAVID M. HARDY  
WITH EXHIBITS A-V ATTACHED

ADMITTED TO  
NO SUBPOENA



(28) I have reviewed the Court's Order dated April 25, 2007, and entered April 26, 2007.

The Court has ordered defendant "to produce any and all documents within its possession indicating the following:"

- 1) Whether the February 1988 subpoena, a copy of which is attached as Exhibit A to plaintiff's Motion was actually served on Pacific Bell, and if so, by whom and when;
- 2) What documents, if any, were produced by Pacific Bell in response to the subpoena;
- 3) When those documents were produced;
- 4) To whom those documents were produced;
- 5) To whom those documents were then disseminated.

(29) Following issuance of the Court's Order, the FBI began a series of efforts to comply with the Order, and in so doing undertook the following steps, with the following results:

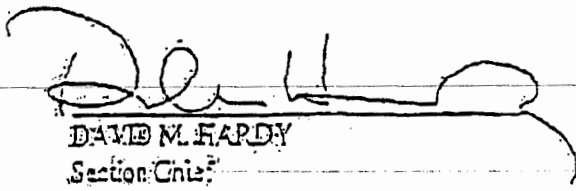
(a) The FBI searched through all of the documents which had previously been scanned in to its FOIPA Document Processing System and processed in response to FOIPA Nos. 922492, 952810 and No. 926721.

RESULT: The FBI was unable to locate the requested February 1988 grand jury subpoena to Pacific Bell among its investigative files – nor any other grand jury subpoena to Pacific Bell with a February 1988 date.

(30) The net result of the FBI's efforts to date is that it is unable to respond to any part of the Court's April 26, 2007 Order, since the FBI's investigative files do not contain either a February 1988 grand jury subpoena or documents produced in response to that subpoena.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, and that Exhibits A through V attached hereto are true and correct copies.

Executed this 9<sup>th</sup> day of May, 2007.

  
DAVID M. HARDY  
Section Chief  
Record/Information Dissemination Section  
Records Management Division  
Federal Bureau of Investigation

*arrest warrant affidavit and the search warrant affidavit*

Agent Smith provided affiant with information concerning phone tolls for the period of June, 1987, through January, 1988, for telephone numbers 408-725-8079 and 408-446-3850. Agent Smith indicated that these toll records were obtained pursuant to federal grand jury subpoena. Affiant checked the Pacific Bell directory for the Cupertino area and learned that both phone numbers are in the name of Steven Bonilla although no address is given with that information. (Refer to Exhibit K (2 pages) attached hereto.) During that period the phone was in the name of Steven Bonilla at 10200 Miller Avenue, Cupertino, initially and then later to the same person at 10359 Leola Court #2, Cupertino. 408-446-3850 is shown as having "touchtone, commstar, and calling waiting features, while 408-725-8079 is shown as having touchtone, commstar, and call forwarding features.

Phone records obtained for Bonilla's phone (408) 446-3850 show that the following calls were placed:

October 4, 1987, at 8:45 p.m., a 3 minute phone call to Elko, Nevada, (702) 738-8417 (Brad Keyes' home phone), from Silt, Colorado, using a calling card to charge the call to the phone.

Steven Bonilla later admitted in a phone conversation tape recorded and monitored with the consent of Brad Keyes that he had called Keyes from Colorado.

Affiant was advised by FBI Agent Gerald Diedrich about toll records for Cellular One telephone number 408-221-2632. These records were obtained by the FBI under a Federal Grand Jury subpoena. Cellular One records therein